

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 3, 1947
10:55 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

A. B. Hatley, subdivider of the Bluffington Addition, appeared before the Council and reported that all of the property owners in Bluffington Addition, with the exception of one, had agreed to sign an instrument waiving the anti-Semetic restrictions in the approved plat of said Addition. He was requested by the Mayor that as soon as the signatures of all the property owners had been obtained, to file a new plat with the City Plan Commission eliminating said restrictions.

A property owner on Red River Street south of First Street appeared before the Council and requested that the paving of said Red River Street for two blocks south of First Street leading to the City Shops, promised by the Council a year ago, be done now, the property owners being willing to pay for the curb and gutter. The matter was referred to the City Manager and the Director of Public Works for immediate attention.

Roswell Miller came before the Council and protested that the City had not carried out its agreement to build a 30-foot gravelled street, with concrete dip, on Wayside Drive, but instead had built a 20 to 25-foot street, and that on the basis of said agreement he had paid an increase in taxes on his property for 1945; and further asked that if the City was not going to fulfill its agreement, he be returned his sidewalk area and increase in taxes paid. The City Manager reported that the City was carrying out its agreement in a satisfactory manner and had built the concrete dip. Following

the discussion, the matter was referred to Councilmen Glass, Bartholomew, Thornberry, and Wolf for an inspection on the ground.

Commissioner Sam Allred came before the Council and presented two petitions from residents in the area, protesting the location of the City's dump ground on property recently leased from Messrs. Looney & Clark. The matter was taken under advisement to determine what relief can be given.

Jas. Lucas, owner of a grocery store and filling station at 503 East First Street, came before the Council and protested that his business was being hurt by reason of the routing of traffic off said street while the work of laying water mains and paving was being done. The Director of Public Works reported that the work would be finished in about ten days and First Street would then be opened from Congress Avenue to East Avenue.

Jas. Lucas further submitted a request that First Street be widened from Congress Avenue to East Avenue, instead of Seventh Street, to make it a traffic thoroughfare to connect with the inter-regional highway.

J. M. Washington, colored, George Knox, colored, and Ira Kavanaugh, colored, owners of the Harlem Taxicab Company, came before the Council and protested against the operation of colored taxicabs without bond or license. The City Attorney reported that his office was working on the matter and would probably have a plan to submit to the Council at the next regular meeting that would be uniform and equitable for all operators. The group were asked to meet with the City Attorney to see what could be worked out.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING A PORTION OF CHERICO STREET IMMEDIATELY SOUTH TO NEAL STREET, AS SHOWN ON A PLAT OF CHERICO SUBDIVISION OF RECORD IN BOOK 4, PAGE 2, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The following report of the Board of Adjustment on the application of J. J. Farrell for change in zoning of property at the intersection of South 3rd Street and West Live Oak Street was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS

ZONING CHANGE RECOMMENDATION

I. Referred to the Board by the City Council on March 15, 1947

II. Property affected:

Lot 1, Block 5; Lot 1, Block 6; Lot 9, Block 7; and
Lot 9, Block 8, being the four corners of the inter-
section of South 3rd and West Live Oak Streets.

III. To be changed

From: "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on: April 1, 1947.

V. Parties appearing:

For : J. J. Farrell and J. P. Farrell

Against: Kermit O. Walker (Mr. Walker asked the Secretary the
following morning for permission to replace his
name on the petition and withdraw his objection)

VI. Action of the Board: Change not recommended

For the following reasons:

1. The property is located in a well-developed residential area and South 1st Street, which is only two blocks from this location, is zoned for commercial uses and is still undeveloped for such purposes, and there is now a community center at South 5th and West Mary Streets which is four blocks north and west of this intersection.
2. No public demand has been shown for this additional commercial property on these four corners and the application is made for the purpose of developing only one corner for an electrical shop.
3. An electrical shop is not recognized as an essential community use, bearing no special relation to a local community center as its activity serves all parts of the City.

4. This area should be preserved as a residential district as being the most appropriate use of this property.

(Sgd) H. F. Kuehne
Chairman. "

In accordance with the request of applicant, no public hearing on the above matter by the City Council was called.

The following report of the Board of Adjustment on the application of D. C. Bradford for change in zoning of the property known as 200 feet on the east side of Lamar Boulevard and extending 142.44 feet easterly on the south line of the property and 177.37 feet easterly on the north line of the property:

*ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

I. Referred to the Board by the City Council on: March 20, 1947

II. Property affected:

A tract fronting 200 feet on Lamar Boulevard and 193 feet on Fredericksburg Road, being located approximately 283 feet north of Butler Road and south of the J. C. Powell tract.

III. To be changed:

From : "C" Commercial District

TO : "C-1" Commercial District

IV. Considered by the Board on : April 1, 1947

V. Parties appearing:

For : R. J. Long and Mr. and Mrs. N. E. Colecom

Against: Mr. and Mrs. J. C. Powell, the Reverend L. R. Cole and Mrs. Lawrence E. Stevenson. A petition of protest was filed, signed by residents and property owners of South Austin.

VI. Action of the Board : Change not recommended

For the following reasons:

1. The Board considers it unwise as a general policy to establish "C-1" and "C-2" Commercial Districts along major thoroughfares and highways passing through the City, as such zones tend to have an adverse effect on traffic conditions on such thoroughfares and highways.

(Sgd) H. F. Kuehne, Chairman."

In accordance with the request of the applicant, Councilman Wolf moved that a public hearing on the above matter be called for Thursday, April 24, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The following report of the Board of Adjustment on the application of Ulysses S. Oglesby, Nora Oglesby, and John M. Davis for a change in zoning of the property known as 306 East 18th Street, was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

I. Referred to the Board by the City Council on : March 13, 1947

II. Property affected:

The west one-half of Lot 22, Block 57, of the Original City of Austin, and known as 306 East 18th Street

III. To be changed

From : "B" Residence District

To : "C" Commercial District

IV. Considered by the Board on : March 25, 1947

V. Parties appearing:

For : Mr. and Mrs. U. S. Oglesby and John M. Davis
Miss Hertha Von Boeckmann had no objection

Against: E. A. Reno for the August Joergens Estate, L. B. Scott, Percy Pennybacker, Mrs. E. E. Knight, Mrs. E. S. Blackburn, Mrs. Coleman Gravis for Mrs. Grace H. Corbitt, G. B. Knape, Mrs. Frank Hobson, and a representative for Miss Sallie Thatcher.

VI. Action of the Board : Change not recommended

For the following reasons:

1. The property proposed to be changed is a portion of a lot, being 35'x150', with a creek running across the center, which reduces the buildable area to approximately 35'x40' at the front.
2. This change would constitute a spot commercial zone in a predominantly residential neighborhood, there being a residence lot between this property and the established "C-1" Commercial District along San Jacinto Boulevard.

3. East 18th Street is a narrow through street connecting East Avenue with Rio Grande Street upon which the traffic is already congested, and further commercial establishments would aggravate this condition.
4. There is ample undeveloped commercial property along San Jacinto Boulevard to permit further commercial uses.
5. No public necessity or convenience has been established for this use at this location as a convenience to the residents since plumbing shops are not recognized as essential community uses, bearing no special relation to a local commercial district as their activities serve all parts of the City.

(Sgd) H. F. Kuehne
Chairman

In accordance with the request of the applicant, Councilman Wolf moved that a public hearing on the above matter be called for Thursday, April 24, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of Austin Building & Development Company for a change in zoning, from "A" Residence District to "C" Commercial District, of a 50-foot strip of land on the west side of Fredericksburg Road from Bluff Street to Bluff View Addition, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Councilman Wolf offered the following resolution and moved its adoption;

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property located on the south side of East 11th Street as a private gasoline plant, which property is owned by the Harlem Taxi Company, and is designated as 46"x63" of Lot 6, Block 8, Outlot 2, Division "B", of the City of Austin, Texas, and hereby authorizes the said Harlem Taxi Company, through its agent, George Knox, to operate a private gasoline plant consisting of a 550-gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted

subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Harlem Taxi Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
April 3, 1947

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the Harlem Taxi Company, through George Knox, Agent, for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of East 11th Street, which property is designated as 46'x63' of Lot 6, Block 8, Outlot 2, Division "B" of the City of Austin, Texas, and locally known as 1123 East 11th Street.

This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in OLANDER STREET, from a point 79 feet north of East 12th Street northerly 52 feet, the centerline of which gas main shall be 16 feet east of and parallel to the west property line of said Olander Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in WAYSIDE DRIVE from a point 82 feet north of West 8th Street southerly 336 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Wayside Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in SOUTH 6TH STREET from a point 5 feet south of West Mary Street southerly 109 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east property line of said South 6th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in LAWSON LANE from a point 95 feet north of Gregory Street northerly 42 feet, the centerline of which gas main shall be 2 feet west of and parallel to the east property line of said Lawson Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in NORTH LOOP BOULEVARD from a point 32 feet east of Huisache Street, easterly 1260 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said North Loop Boulevard.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in GROVER AVENUE from a point 178 feet north of North Loop Boulevard northerly 52 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Grover Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have on hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of EUGENE JOE JORDAN, 1504 Newfield Land, for a license to operate as a taxicab a special delux Plymouth 4-door Sedan, Motor No. P15-219132, Serial No. 11625251, State License No. JB-3603, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of SAMUEL J. BALLARD, 32 Salina Street, for a license to operate as a taxicab a 4-door Special Delux Chevrolet, 1942 Model, Motor No. BA116032, State License No. FX-3786, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of SAMUEL J. BALLARD, 32 Salina Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of COY DEEVER, Colored, 1305 Olander Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Upon motion, duly seconded and carried, the resignation of Julian C. Clopton as Acting Judge of the Corporation Court, effective as of this date, was accepted; and Benton Coopwood was appointed as successor to the said Julian C. Clopton, to assume the duties of said office on Friday, April 4, 1947.

The following ordinance was introduced:

AN ORDINANCE ASSESSING A PENALTY FOR DEFAULT ON TAXES LEVIED AND ASSESSED FOR THE YEAR 1946, FIXING A DATE AFTER WHICH SUCH PENALTY SHALL BE ASSESSED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller declared that the ordinance had been finally passed.

The meeting was then recessed, subject to call of the Mayor.

Attest: Allen M. Keen
CITY CLERK

Approved: Tom Miller
MAYOR